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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,966	02/18/2005	Werner Honegger	FRR-15905	3602

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EXAMINER

HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/524,966

Applicant(s)

HONEGGER, WERNER

Examiner

Louis K. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/18/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 15 is rejected under 35 U.S.C. 101 because it is not a proper process claim under 35 U.S.C. 101, it is neither a process, machine, manufacture nor combination of matter. *See* MPEP 2173.05(q).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite because it merely recites a use without any active, positive steps delimiting how this use is actually practiced. *See* MPEP 2173.05(q).

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1, lines 14-15: “by at least one of a last deflection roller ..., or a first deflection roller” is indefinite because it is unclear whether the phrase is an alternative form or not. Note that there must be a deflection roller at the entry point and a deflection roller at the exit point; therefore, using alternative claim language such as “one of ... and ...” or “or” would render the claim un-enable because there would be only one

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roller being arranged at either the entry point or the exit point such that the pressing belt could not run on the periphery of the processing drum, and thus the claimed installation could not be enable.

- Claim 2, line 5: “the first part of the removal means is a pivoting ramp” is indefinite because the pressing belt does not pivot.
- Claim 3, lines 5-6: “the downstream sides of the support elements” lacks proper antecedent basis.
- Claim 6, lines 2-3: “the further belt consists of a plurality of parallel strings” is ambiguous and indefinite because a string does not form a closed loop.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 10-13, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by WO'738 (WO 00/64738).

- With respect to claim 1, WO'738 discloses an apparatus that meets all of applicant's claimed subject matter; in particular, the apparatus comprises: a drum (8) having axially extending support elements (shaded elements in Fig. 2), axially extending tool elements (36) whose radial position are adjustable, a pressing belt (10) running on a periphery of the processing drum (1) and on support rollers (12, 14, 16) between an

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entry point and an exit point, supply means (28), removal means (30), and conveyors (34); wherein a first part of the pressing belt (10) forms a part of an entry at an entry point and a second part of the pressing belt (5) forms a part of an exit at an exit point.

- With respect to claims 10 and 12, the WO'738 further includes supply means (20) for supplying two packaging foil webs (22 & 24) that sandwich newspapers (2) along the periphery of the processing drum (8).
- With respect to claims 11 and 17, the tool elements of the WO'738 apparatus are equipped with knife blades (52) for partly separating the packaging foil webs (22 & 24) between the newspapers (2).
- With respect to claims 13 and 18, the tool elements of the WO'738 apparatus are also with welding means (44) for sealing form seals on packaging foil webs between the newspapers.
- With respect to claim 15, the WO/738 apparatus is used for packaging newspapers which are printed products.

8. Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by GB'077 (GB 1409077).

- GB'077 discloses an apparatus for producing transverse seam in a two-ply web of plastic film that meets all of applicant's claimed subject matter; in particular, the apparatus comprises: a processing drum (1) having axially extending support elements (16) whose radial position are adjustable, axially extending tool elements (10) whose radial position are adjustable, a pressing belt (4) running on a periphery of

the processing drum (1) and on support rollers (3, 5, 6) between an entry point and an exit point, inherent supply means for feeding the plastic webs, inherent removal means for removing seamed two-ply plastic web, inherent conveyor parts; wherein the support elements (16) have an axial extension and comprise a variable width at right angles to their axial extension; and wherein the supporting element (16) and the tool elements (10) are connected to a control means (11, 11') such that they are simultaneously and uniformly adjusted along helical screws (13, 13') (page 3, left column, lines 14-63).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO'738 (WO 00/64738) in view of DE'634 (DE 3528634).

- The WO'738 apparatus includes a part of the pressing belt (10) being an exit ramp and the support elements (shaded element in Fig. 2) spreading from the drum periphery, which meets all of applicant's claimed subject matter but lacks the specific teaching of the entry point being situated in a lower area and the exit point being situated in an upper area. However, where the entry point and the exit point are arranged would have been obvious to a skilled person in the art as a matter of engineering designed choice since it does not solve any stated problem insofar as the

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record is concerned, and thus does not patentably distinguish the claimed invention over the applied prior art. Furthermore, arranging the entry point at a lower area and the exit point at an upper area in an apparatus having processing drum is old and well known in the art and is disclosed in the DE'634 reference, wherein articles (15) to be processed enter a processing drum (21) at a lower area and the processed articles (29) exit the processing drum (21) at an upper area. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the WO'738 apparatus by having arranged the entry point at a lower area and the exit point at an upper area, as a matter of engineering design choice or as taught by DE'634, because where the products to be processed enter the processing drum and where the processed products exit the processing drum are not the invention of the present application and are not really matter as to the way the claimed invention works.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO'738 (WO 00/64738).

- The WO'738 includes the tool elements (36) which are equipped with welding jaws and perforating knife blade (52), which can be used separately or together depending on the desired process such as cutting only or welding only or welding/cutting; thus the tool elements are considered to be interchangeable.

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12. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO'738 (WO 00/64738).

- The WO'738 meets all of applicant's claimed subject matter but lacks the specific teaching of the pressing belt having a Teflon-coating and the tool elements comprising welding wires. However, it is well-known that Teflon have been widely used in the art of heat sealing for preventing welded material from sticking sealing members, and that welding wires have also been widely used in welding plastic material for its fast heating/cooling and energy saving; it is noted that the WO'738 apparatus is for sealing plastic films, the pressing belt (10) is used as a sealing anvil and the seals do not have to be perfect; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the WO'738 apparatus by having provided the tool elements with welding wires and the pressing belt with a Teflon-coating so that the plastic films when welded together do not stick to the pressing belt and the energy consumption for welding the plastic films would be minimal.

Allowable Subject Matter

13. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

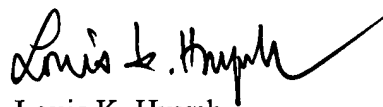
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied references.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh
Primary Examiner
Art Unit 3721

March 14, 2007